

THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

6627 MAPLE AVENUE PARTNERS,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 3:13-CV-2543
	§	
THE TRAVELERS LLOYDS	§	
INSURANCE COMPANY	§	
	§	
Defendant.	§	
	§	

**DEFENDANT THE TRAVELERS LLOYDS INSURANCE COMPANY'S
NOTICE OF REMOVAL**

Defendant, The Travelers Lloyds Insurance Company, files this Notice of Removal under 28 U.S.C. § 1446(a).

I. INTRODUCTION

1. Plaintiff is 6627 Maple Avenue Partners; Defendant is The Travelers Lloyds Insurance Company ("Travelers").

2. On May 23, 2013, Plaintiff filed suit against Travelers for damages in the 95th Judicial District Court in Dallas County, Texas – Cause Number DC-13-05782.

3. Travelers was served with this suit on June 6, 2013. Travelers filed this Notice of Removal within the 30-day time period required by 28 U.S.C. § 1446(b).

4. Venue is proper in this district under 28 U.S.C. § 1441(a) because the state court where the action has been pending is located in this district.

II. PARTIES

5. A Lloyds plan is an unincorporated association. To that end, The Travelers Lloyds Insurance Company is an unincorporated association of twelve underwriters. The

domiciliary state for eleven of the underwriters is Connecticut and one of the underwriters is New Hampshire. For diversity purposes, the citizenship of an unincorporated association is determined by the citizenship of each member of the association.¹ The members of a Lloyds plan are the underwriters alone.² Thus, Travelers is a citizen of both Connecticut and New Hampshire for diversity jurisdiction purposes.³

6. Plaintiff, 6627 Maple Avenue Partners, is a Texas general partnership having its principal place of business in Arlington, Texas. No partners or limited partners of 6627 Maple Avenue Partners are citizens of Connecticut or New Hampshire. Thus, there is complete diversity for purposes of diversity jurisdiction purposes.

III. BASIS FOR REMOVAL

7. Removal is proper under 28 U.S.C. § 1332(a) because there is complete diversity between the parties and the amount in controversy exceeds \$75,000 excluding interest, costs and attorney's fees.

8. If it is facially apparent that the plaintiff's claims exceed the jurisdictional amount, the defendant's burden is satisfied.⁴

9. Here, Plaintiff seeks monetary relieve of over \$1,000,000.00. *See* Plaintiff's Original Petition at Page 1.

¹ *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195-96, 110 S.Ct. 1015, 1021 (1990).

² *Royal Ins. Co. v. Quinn-L Capital Corp.*, 3 F.3d 877, 882 (5th Cir. 1993); *Massey v. State Farm Lloyds Ins. Co.*, 993 F. Supp. 568, 570 (S.D. Texas. 1998) ("In this case, therefore, the citizenship of State Farm Lloyds must be determined solely by the citizenship of its members, or underwriters.")

³ *Massey v. State Farm Lloyds*, 993 F. Supp. 568, 570 (S.D. Tex. 1998) ("Because no member of State Farm Lloyds is a Texas resident, complete diversity exists between the parties to this action, and this Court has federal diversity jurisdiction under 28 U.S.C. § 1332."); *Rappaport v. State Farm Lloyd's*, 1998 WL 249211 (N.D. Tex. 1998) ("Because the Court finds that State Farm Lloyd's is an unincorporated association whose members are completely diverse with Plaintiff, Plaintiff's Motion to Remand is DENIED.").

⁴ *Allen v. R & H Oil & Gas Co.*, 63 F.3d 1326, 1335 (5th Cir. 1999).

10. Thus, it is facially apparent that Plaintiff's claims exceed \$75,000.00.

IV. CONCLUSION

11. All pleadings, process, orders, and other filings in the state court action are attached to this notice as required by 28 U.S.C. § 1446(a).

12. Travelers will promptly file a copy of this Notice of Removal with the clerk of the state court where the action is pending.

13. Therefore, Travelers hereby provides notice that this action is duly removed.

Respectfully submitted,

ZELLE HOFMANN VOELBEL & MASON LLP

By: /s/ Jennifer L. Gibbs

Steven J. Badger
State Bar No. 01499050
sbadger@zelle.com
Jennifer L. Gibbs
State Bar No. 24050656
jgibbs@zelle.com

901 Main Street, Suite 4000
Dallas, TX 75202
Telephone: 214-742-3000
Facsimile: 214-760-8994

**ATTORNEYS FOR DEFENDANT THE
TRAVELERS LLOYDS INSURANCE
COMPANY**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been served on this 1st day of July, 2013, in accordance with the FEDERAL RULES OF CIVIL PROCEDURE as follows:

W. "Trey" R. Dyer, III
Jennifer Sibley
CHERRY PETERSEN LANDRY ALBERT LLP
8350 North Central Expressway
Suite 1500
Dallas, TX 75206
Telephone: 214-265-7007
Facsimile: 214-265-7008
Attorneys for Plaintiff

/s/ Jennifer L. Gibbs
Jennifer L. Gibbs